THE RUTHERFORD STAR.

BE SURE YOU ARE RIGHT AND THEN GO AHEAD.—Davy Crocket.

VOL. I. RUTHERFORDTON, N. C., WEDNESDAY, JULY 18, 1866. NUMBER 12

THE
RUTHERFORD STAR.
A WEEKLY NEWSPAPER
PUBLISHED BY
CARPENTER & LOGAN,

J. B. CARPENTER, ROBERT W. LOGAN

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CONSTITUTION OF North Carolina.

We, the delegates of the people of North Carolina, in Convention assembled, for the purpose of amending the Constitution of the State, having consolidated the same as adopted on the 18th day of December, A. D., 1776, with the amendments thereto which were ratified on the 11th day of July, A. D., 1835, together with sundry amendments adopted in the years 1856, 1861 and 1862, and other amendments adopted by this Convention, do ordain and establish the following Constitution for the State:

ARTICLE I.

DECLARATION OF RIGHTS.

Section 1. All political power is vested in and derived from the people only.

sec. 2, The people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

sec 3. No man or set of men are entitled to exclusive or seperate emoluments or privileges from the community, but in consideration of public services.

sec 4. The legislative, executive, and supreme judicial powers of government ought to be forever separate and distinct from each other,

sec. 5 All power of suspending laws, or the execution of laws, by authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

sec. 6. Elections of members to serve as representatives in General Assembly ought to be free.

sec. 7. In all criminal prosecutions, every man has a right to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, and to have counsel for his defence, and shall not be compelled to give evidence against himself.

sec. 8. No freeman shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment, or impeachment.

sec 9. No freeman shall be convicted of any crime, but by the unanimous verdict of a jury of good and lawful men, in open court, as heretofore used: The Legislature may, however, provide other modes of trial for petty misdemeanors with the right of appeal.

sec. 10. Excessive bail should not be required, nor excessive fines imposed, nor cruel nor unusual punishment inflicted.

sec. 11. General warrants, whereby any officer or messenger may be commanded to search suspected places without evidence of the fact commited, or to seize any person or persons not named whose offence is not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

sec. 12. No freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, or priviledges, or outlawed, or exiled, or in any manner destroyed, or deprived, of his life, liberty, or property, but by the law of the land.

sec. 13. Every freeman, restrained of his liberty, is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same if unlawful, and such remedy ought not to be denied or delayed.

sec 14. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.

sec. 15. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained.

sec. 16. The people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

sec. 17. The people have a right to bear arms for the defence of the State; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and the military should be kept under strict subordination to, and governed by, the civil power.

sec. 18. The people have a right to assemble together, to consult for their common good, to instruct their representatives, and to apply to the legislature for redress of grievances.

sec. 19. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences

sec 20 For redress of grievances, and for amending and strengthening the laws, elections ought to be often held.

sec. 21. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

sec. 22 No hereditary emoluments, privileges, or honors, ought to be granted or conferred in this State.

sec. 23. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

sec. 24 Retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, wherefore, no *ex post facto* law ought to be made.

sec. 25. Slavery and involuntary servitude otherwise than for crimes, whereof the parties shall have been duly convicted, shall be, and is hereby forever prohibited within the State.

sec. 26. The limits and boundaries of the State shall be and remain as they now are.

sec. 27. All courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law and, right and justice administered without sale, denial or delay.

sec. 28. No soldier shall in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

ARTICLE II,

LEGISLATIVE DEPARTMENT.

Section 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to-wit: a Senate and House of Commons.

sec 2 The Senate shall consist of fifty representatives, biennially chosen by ballot, and elected by districts; which districts shall remain as they are until the first session of the General Assembly after the year 1871; and at such session, and then every ten years thereafter shall be laid off by the General Assembly, in proportion to the public taxes paid into the Treasury of the State by the citizens thereof; and the average of the public taxes paid by each county into the Treasury of the State, for the three years preceding the laying off of the districts, shall be considered as its proportion of the public taxes, and constitute the basis of apportionment; *Provided*, That no county shall be divided in the formation of a Senatorial district; and when there are one or more counties, having an excess of taxation above the ratio to form a Senatorial district, adjoining a county or counties deficient in such ratio, the excess or excesses aforesaid shall be added to the taxation of the county or counties deficient; and if with such addition, the county or counties receiving it shall have the requisite ratio, such county and counties each shall constitute a Senatorial district.

sec. 3. The House of Commons shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their entire respective white population, and each county shall have at least one member in the House of Commons, although it may not contain the requisite ratio of white population

sec. 4. This apportionment shall be made by the General Assembly, at the respective times and periods when the districts for the Senate are hereinbefore directed to be laid off; and the said apportionment shal be made according to an enumeration to be ordered by the General Assembly, or according to the census which may be taken by order of Congress, next preceding the period of making such apportionment.

sec. 5 In making the apportionment in the House of Commons, the ratio of representation shall be ascertained by dividing the amount of the white population in the State, after deducting that comprehended within those counties, which do not severally contain the one hundred and twentieth part of the entire white population aforesaid, by the number of representatives less the number assigned to the said counties. To each county containing the said ratio, and not twice the said ratio, there shall be assigned one representative; to each county containing twice, but not three times the said ratio, there shall be assigned two representatives, and so on progressively; and then the remaining representatives shall be assigned severally to the counties having the largest fractions.

sec. 6. No new county shall be formed and established, unless there shall be, within the proposed boundaries thereof, the one hundred and twentieth part of the entire white population of the State; nor if the population of the county, or any of the counties, from which it may be proposed to form and establish the same shall thereby, be reduced below the one hundred and twentieth part of the entire white population of the State.

sec. 7. Each member of the Senate shall be not less than thirty years of age; shall have resided in the State five years; shall have usually resided in the district for which he is chosen, one year immediately preceding his election, and for the same time shall have possessed, and shall continue to possess, in the district which he represents, not less than three hundred acres of land in fee; or a freehold of not less value than one thousand dollars.

sec 8 Each member of the House of Commons shall be not less than twenty one years of age; shall have resided in the State five years, and shall have usually resided in the county in which he is chosen, for one year immediately preceding his election, and for the same time shall have possessed, and shall continue to possess, in the county which he represents, a freehold of one hundred acres of land, or the value of three hundred dollars.

sec. 9 Every man of the age of twenty-one years, who may have been an inhabitant of the State for twelve months, and of the district in which he proposes to vote, six months next before the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the Senate for the district in which he may then reside.

sec 10. Every man of the age of twenty-one years, who may have been an inhabitant of the State for twelve months, next before the day of election, and of the county in which he proposes to vote for six months next before the day of election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons for the county in which he shall then reside.

sec. 11. Each person elected to the Senate or House of Commons, shall hold his seat from the time of his election until the next biennial election.

Sec. 12. The Senate and House of Commons shall meet biennially, and when assembled, shall be denominated the General Assembly.

sec. 13 The House of Commons shall choose their own speaker and other officers.

sec. 14. The Lieutenant Governor shall preside in the Senate, but shall have no vote unless they be equally divided.

sec. 15. The Senate shall choose their other officers, and also a speaker *pro tempore* in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor.

sec. 16. Each House shall be judge of the quanfications and elections of its own members; shall sit upon its own adjournments from day to day; prepare bills to be passed into laws; directing writs for supplying intermediate vacancies; and may also jointly adjourn to any future day or place.

sec. 17. The style of the acts shall be, "The General Assembly of North Carolina do enact, as follows:"

sec 18. All bills and resolutions of a legislative nature shall be read three times in each House before they pass into laws, and shall be signed by the presiding officers of both Houses.

sec. 19. Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that, to the best of his knowledge and belief, he is qualified under the Constitution of the State to take his seat.

sec. 20. The General Assembly shall not have power to grant a divorce, or secure alimony, in any individual case, but may pass general laws, regulating divorce and alimony.

sec. 21 The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any persons not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime; but shall have power to pass general laws regulating the same.

sec. 22. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such law shall have been given, under such directions and in such manner as shall be provided by law

sec. 23. No law shall be passed to raise a loan of money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns, to do so, unless the bill for that purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall have been on three different days, and agreed to by a majority of the whole number of members of each House respectively, and unless the yeas and nays, on the second and third readings of the bill shall have been entered on the journal.

sec 24 The General Assembly shall regulate entails in such a manner as to prevent perpetuities.

sec. 25. If vacancies shall occur by death, resignation, or otherwise, whenever the General Assembly is not in session, writs of election may be issued by the Governor, under such regulations as may be prescribed by law.

sec. 26. Neither House shall proceed upon public business, unless a majority of all its members be present.

sec. 27. Each House shall keep a journal of all its proceedings, which shall be printed, and made public immediately after the adjournment of the General Assembly.

sec. 28. Upon motion made, and seconded in either House by one fifth of the members present, the yeas and nays upon any question shall be taken, and entered on the journals.

sec. 29. Any member of either House may dissent from and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reason of his dissent entered on the journal.

sec. 30. The General Assembly, at each biennial session, shall elect, by joint vote of the two Houses, a Secretary of State, Treasurer, and Council of State, who shall continue in office for the term of two years, and until others may be appointed in their places.

sec. 31. In the election of all officers, whose appointment is conferred on the General Assembly by the Constitution, the vote shall be *viva voce*.

ARTICLE III.

EXECUTIVE DEPARTMENT.

Section 1. There shall be a Governor and Lieutenant Governor of the State, who shall be chosen by the qualified voters for the members of the House of Commons, at such times and places as members of the General Assembly are elected.

sec 2. No person shall be eligible as Governor or Lieutenant Governor, unless he shall have been a citizen of the United States for twenty years; shall have attained the age of thirty years; shall have been a resident of the State for five years next before the day of election, and shall have therein a freehold in land and tenements of the value of two thousand dollars

sec 3. The Governor shall hold his office for the term of two years from the time fixed for his installation, and until another shall be elected and qualified; but he shall not be eligible more than four years in any term of six years, unless the office shall have been cast on him as Lieutenant Governor, or Speaker of one of the Houses of the General Assembly.

sec. 4 The returns of every election for Governor and Lieutenant Governor, shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the Speaker of the House of Commons, who shall open and publish them in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes for Governor, shall be Governor; and the person having the highest number of votes for Lieutenant Governor, shall be Lieutenant Governor; but if two or more persons shall be equal and highest in number of votes for either office, one of them shall be chosen to fill the office by a joint vote of both Houses of the General Assembly.

sec. 5. Contested elections for Governor or Lieutenant Governor, shall be determined by a joint vote of both Houses of the General Assembly, in such manner as shall be prescribed by law.

sec. 6. The Governor elect shall enter on the duties of the office, on the first day of January next after his election, having previously taken the oaths of office, in presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, who, in case the Governor elect should be prevented from attendance before the General Assembly by sickness or other unavoidable cause, is authorized to administer the same.

sec 7. The Lieutenant Governor shall possess the same qualifications for office, as are required of the Governor, and shall hold his office for the like term.

sec 8. The Governor and Lieutenant Governor, each, shall take an oath, that, to the best of his knowledge and belief, he is eligible, under the Constitution and laws of the State to the office, to which he has been elected.

sec. 9. The Governor shall be Commander-in-Chief of the Militia; and in the recess of the General Assembly, shall have power, by and with the advice of the Council of State, to embody the Militia for the public safety.

sec. 10. The Governor shall have power to draw for and apply such sums of money as shall be voted by the General Assembly for the contingencies of government, and be accountable to them for the same; he shall have the power of granting pardons, and reprieves, except when the prosecution shall be carried on by the General Assembly, or unless the law shall otherwise direct; in which latter case, he may, in the recess, grant a reprieve until the next sitting of the General Assembly; and may exercise all the other executive powers of government, limited and restrained as by this Constitution is mentioned, and according to the laws of the State; and shall have power, by and with the advise of the Council of State, to convene the General Assembly in extra session, at any time when, in his opinion, the exigencies of the State may require it.

sec. 11. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the duties of the office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease.

sec. 12 Whenever the Lieutenant Governor shall, for like causes, become incompetent to discharge the powers and duties of the office of Governor, they shall devolve on the Speaker of the Senate; and in case of his death, or incompetency for like causes they shall devolve upon the Speaker of the House of Commons; and for such time as there shall be no Speakers in fact the persons last acting as such shall be deemed Speakers for the purpose aforesaid.

sec. 13. In case of a vacancy in the office of Governor, the Lieutenant Governor, or any other person called to fill the office, shall be qualified before any Justice of the Supreme Court.

sec. 14. The Lieutenant Governor, while presiding in the Senate, shall receive the same pay as the Speaker of the House of Commons, and he shall receive no other compensation except when he is acting as Governor.

sec. 15. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called the great seal of the State of North Carolina, and be affixed to all grants and commissions.

sec 16. The Council of State shall consist of seven persons, who shall advise the Governor in the execution of his office; four members shall be a quorum; their advice and proceedings shall be entered in a Journal to be kept for that purpose only, and signed by the members present; against any part of which any member present may enter his dissent, and such Journal shall be laid before the General Assembly when called for by either House.

sec 17. In every case where any officer, the right of whose appointment is by the Constitution of the State, vested in the General assembly, shall during their recess, die, or his office by other means become vacant, the Governor shall have power, with the advice of the Council of State to fill such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the General Assembly.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in one Supreme Court; in Superior Courts of law and Courts of Equity; in County Courts; and in Justices of the Peace; and in such other Courts as by the Constitution and Laws may be allowed.

sec. 2. The Supreme Court shall consist of a Chief Justice, and two Associate Justices, who shall be elected to their respective offices by the joint vote of the two Houses of the General Assembly.

sec. 3. The Superior Courts of law and Courts of equity shall consist of one or more Judges, to be elected in like manner.

sec. 4. The Justices of the Supreme, and the Judges of the Superior Courts of law and Courts of Equity, shall hold their offices during good behavior; and, at stated times, shall receive for their services and adequate salary, which shall not be diminished during their continuance in office.

sec 5. There shall be two terms of the Supreme Court, to be held at the seat of Government, in every year; the commencement of the terms to be, as nearly as may be, half a year apart; and the Court at each term shall sit for the dispatch of business so long as shall be necessary

sec. 6. A Superior Court shall be held semi-annually at least in every county in the State, and shall sit for the dispatch of business for such time as may be directed by law, but for not less than six days, unless its business shall be sooner disposed of. The General assembly may, however, direct more than two terms of the Superior Courts to be held in the year; in which case the Assembly may, if deemed advisable, increase the number of terms of the Supreme Court.

sec. 7. County Courts shall be held quarterly at least, in each year, in the several counties, by the Justices of the Peace therein, of whom not less than three shall be a quorum, and the sessions of the Court shall continue at least six days, unless the business be sooner disposed of.

sec. 8. The General Assembly, in its direction, may establish Courts for incorporate cities, and towns, with such jurisdiction in civil causes as may be prescribed.

sec. 9. The General Assembly may also establish police courts for such cities and towns, with power to try and punish petty misdemeanors committed within the limits of such cities and towns, and in violation of their by-laws.

sec. 10. The General Assembly, at its first session after the office of Attorney General shall become vacant, and from time to time thereafter, shall appoint an Attorney General, who shall be commissioned by the Governor, and shall hold his office for the term of four years; but if the General Assembly should hereafter extend the term during which Solicitors of the State shall hold their offices; then

they shall have power to extend the term of office of the Attorney General to the same period.

sec. 11. Justices of the Peace shall be elected by the qualified voters for members of the General Assembly, and shall hold their office for six years. The number shall not exceed two for every thousand of the population according to the census next preceding the election, but the General Assembly may allow three additional Justices for each county-seat, and incorporated towns; *Provided*, Said incorporated town, being other than that in which the county-seat is located, shall contain three hundred inhabitants. The General Assembly shall provide for districting the several counties, and the Justices shall reside in their respective districts; and there shall be a seperate election for each district. The next General Assembly shall enact the necessary laws to carry into effect the provision of this section; and, at the first County Court after the election the term of office of the present Justices shall expire. The General Assembly may provide for the election of Justices to fill vacancies.

sec. 12. There shall be a sheriff, coroner or coroners, and constables in each county within the State.

ARTICLE V.

DISQUALIFICATION FOR OFFICE

SECTION 1. No person who shall deny the being of Almighty God, or the divine authority of both the old and new Testaments, or who shall hold religious opinions incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in any civil department of the State.

sec. 2. No member of the Senate, or of the House of Commons shall be eligible to any office within the gift of the General Assembly, during the time for which he may be elected.

sec. 3. No person who may have been Public Treasurer, or any other receiver of the public moneys, shall be eligible to any office or place of trust or profit, until he shall have fully accounted with the proper authorities for all moneys which may have come to his hands.

sec. 4. No clergyman, or preacher of the gospel, of any denomination, shall be capable of being a member of either the Senate, House of Commons, or Council of States, while he continues in the exercise of the pastoral function.

sec. 5. No person who shall hold any office or place of trust or profit under the United States, or under this State or any other State or government, or under any department of the United States, or of this State or of any other State, shall hold or exercise any other office or place of trust or profit, under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, That nothing herein contained shall extend to officers in the militia or justices of the peace.

sec. 6. Any Justice of the Supreme Court, or Judge of the superior Courts, may be removed from office for mental or physical inability, upon a concurrent resolution of two-thirds of both branches of the General Assembly. The Justices or Judge, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either branch of the General Assembly shall act thereon.

sec. 7. Upon the conviction of any justice of the peace of any infamous crime, or of corruption and mal-practice in office, the commission of such justice shall be thereby vacated, and he shall be forever disqualified from holding such appointment.

sec. 8. No person shall be deemed qualified to vote in any election, or appointment to any office, or place established by the Constitution or by the General Assembly or deemed eligible to such office or place, who shall have been adjudge guilty of felony, or of any infamous crime, unless such person shall have been fully pardoned, or restored to credit in a mode prescribed by law; and every person adjudged guilty of man-slaughter and discharged, shall be deemed to be pardoned.

sec. 9. Every person who may hold an office or place of trust or profit under the State, or any department thereof, and every person allowed to vote for such person shall be a white person and a citizen of the United States.

sec. 10. The term white person, as used in this Constitution, shall include all who have less than one-sixteenth of negro blood.

ARTICLE VI.

IMPEACHMENTS.

SECTION 1. The Governor, Justices of the Supreme Court, and Judges of the Superior Courts, and all other officers of the State [except justices of the peace and militia officers,] may be impeached for wilfully violating any Article of the Constitution, mal-administration, or corruption.

sec. 2. Judgment, in case of impeachment, shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit, under this State; but the party convicted, may, nevertheless, be liable to indictment, trial, judgment, and punishment according to law.

sec. 3. The House of commons shall have the sole power of impeachment: the Senate shall have the sole power to try impeachment,: No person shall be convicted upon any impeachments, unless two-thirds of the Senators present shall concur in such conviction; and before the trial of any impeachmen, the members of the Senate shall take an oath or affirmation truly and impartially to try and determine the charge in question according to evidence.

ARTICLE VII.

MISCELLANEOUS.

SECTION 1. All commissions shall run in the name of the State of North Carolina, and bear test and be signed by the Govenor. All writs shall run in the same manner, and bear test and be signed by the clerks of the respective courts. Indictment shall conclude against the peace and dignity of the State.

sec. 2. A school or schools shall be established by the General Assembly, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning shall be duly encouraged and promoted in one or more Universities.

sec. 3. No foreigner shall be deemed a citizen of the State until he shall have been duly naturalized.

sec. 4. The person of a debtor, where there is not a strong presumtion of fraud, shall not be continued in prison after delivering up, *bona fide*, all his estate, real and personal, for the use of his creditors, in such manner as shall be regulated by law. All prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or presumption great.

sec. 5. There shall be no establishment of any one religious church or denomination in this State in preference to any other; neither shall any person or any pretence whatsoever, be compelled to attend any place of worship contrary to his own faith or judgment; nor be obliged to pay for the purchase of any glebe, or the building of any house of worship or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has voluntarily and personally engaged to perform; but all persons shall be at liberty to exercise their own mode of worship; *Provided:* That nothing herein contained shall be construed to exempt preachers of treasonable or seditious discourses from legal trial and punishment.

sec. 6. Private property shall not be taken for public use, without just compensation, paid in due time.

sec. 7. Treason against the State, shall consist only in levying war against the State, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

sec. 8. Capitation tax shall be equal throughout the State upon all individuals subject to the same: *Provided*, That exemptions of taxable polls as heretofore prescribed by law, may be allowed in cases of bodily or mental infirmity.

sec. 9. Every person chosen or appointed to any office or place of trust or profit in the State, besides any oath prescribed for a faithful discharge of its duties, shall before entering on such duties, take an oath or affirmation to support maintain and defend the Constitution of the State, not inconsistent with the Constitution of the United States.

sec. 10. Wherever in this Constitution there is a property qualification mentioned, its value shall be determined in specie, and be regulated by the assessment of State taxation next preceding the election.

sec. 11. The General Assembly shall provide by law, for the exemption from sale under execution or other process, for debts contracted after the first day of January one thousand eight hundred and sixty-seven, a homestead in land, in favor of every head of a family who may be the owner thereof, except for taxes.

ARTICLE VIII.

CONVENTIONS.

No Convention of the people shall be called otherwise than by the General Assembly, and then only by the concurrence of two-thirds of all the members of each House of the General Assembly. No part of the Constitution of the State shall be amended, unless by a Convention, the delegates whereof shall consist of the same number as the members of the House of Commons and be chosen by the qualified voters for members of such House.

[Ratified in Convention this twenty-fifth day of June, Anno Domino, one thousand eight hundred and sixty-six.]

EDWIN G. READE, *President.*
James H Moore, *Secretary of the Convention.*
R. C. Badger, *Assistant Secretary.*

"Did you ever see A Tadpole turn to A frog?"—Mr. Ferebee, who is on the ticket for Lieteuant Governor with Gov. Worth, was once tadpole, (Union,) but he is now a full-grown frog. He changed so slowly that the transformation could be marked at every stage. Our worthy Governor, also once tadpole, [Union,] is changing slowly. He is part tad and part pole. He will poll badly in October. *Chorus*—"Did you ever see," &c. Mr. Ferebee is now amphibious, and can live either on land or in water. He can jump and croak. But our worthy Governor is obliged to "take water" now and then, as he is not quite sufficiently changed to live on land. One peculiarity is, the tadpole becomes a frog, but the frog *never* turns to a tadpole.—MORAL—The Unionist who finally falls, falls to rise no more. *Standard.*

When a gentleman stares at a young lady, and she stares at him they are apt to mount to the region of love by a pair of stares.

THE STAR.

J. B. CARPENTER, R. W. LOGAN, } Editors.

WEDNESDAY, JULY 18 1866

There will be an election held on the 1st Thursday in Aug. next, for the purpose of ratifying or rejecting the Constitution, as amended by the late Convention.

We are requested to state that our Members to the Convention, Messrs. Harris and Logan, will address the people of this place next Salesday, the 4th Monday of this month.

We hope the people will generally attend, as the new Constitution will be the subject of discussion, some of the features of which are all important to Western North Carolina.

The amended Constitution will be found in our paper of to-day, we hope none will fail to read it as there are many reports in circulation by its opponents to the effect that it guarantees negro equality, requires test oaths for office, &c, &c.

This and other important matter crowds out anything which we might wish to say editorially.

A Revival of Religion among the the Freedmen has been in progress at the Methodist Church in this place for the last ten days, in charge of Rev. D. May, up to yesterday 111 had joined the Church, and some eighty or ninety have professed the pardon of their sins. The meeting still continues.

We are incebted to Mr. R. A. Showell, Corresponding Editor of the Newbern *Times*, for late papers in advance of the mails.

Why is it that we cannot get an exchange out of the Raleigh *Sentinel?* It seems to us it ought to be liberal, with one of the *divine* calling at its head. But we have repeatedly sent copies of our paper to this Journal, and so far we have never received a single copy in return. Why is this that we are refused an exchange? Is it because the *Sentinel* is a paper of such distinguished character, and extensive circulation, that it will require us to publish for it, before we can get to see it? Or is it because of our political principles? Possibly we are not strong enough in favor of Gov. Worth and the so-called Confederacy. It may be that it does not want its doctrine and schemes of reselection for Gov. Worth exhibited in Western North Carolina. But let it have what reason it may, here is what we think, the *Sentinel* believes in the old adage, Charity must begin at *home*, and when we send it the *money* it will send us charity (in the *Sentinel*) However, we have no serious love for this noted Journal, and do not expect to benefit much by its teachings, for it does not preach according to its own *faith*.

The North Carolina Convention has adjourned *sine die*, amid general rejoicing on the part of our exchanges from that State.—So far as they pronounce its funeral, it is that of a Hoosier preacher over a neighborhood reprobate: "I did not want to preach this man's funeral," said he; "I tried to avoid it, tried to excuse myself, tried to keep out of the way. But I have been held to the task, and now what am I to say? I cannot praise him, for he was the meanest man I ever knew. There was never a neighbor or a quarrel he did not soon teach to detest him. I never heard a good word about him in my life. I can only ask the pall-bearers to prepare to do their duty, while we sing the *hyme* commencing—

"With rapture we delight to see
The cuss removed"

Richmond Enquirer

We clip the above in order to show our people the position of our Virginia exchanges. It has, we believe, ever been the course of the Virginia press to meddle with the politics of North Carolina, not satisfied with acting in such manner as to involve us in the late war, and during the war to abuse the Union men of our State as they were wont to do, they now, that the war is closed endeavor to shape the course of our politics in such way that we may be kept out of the Union indefinitely. We say to those partisan papers who would have our noble old State vote for and identify themselves with the Jeff Davis party, to hold perfectly easy; that we are able to shape our own course, and that we can manage the ship of State to our own advantage without their help.

But let them fret, let them do all they can, it will avail nothing, the voters of the old North State know what they are about, and will, we think go the polls on the first Thursday in August, and ratify the proceedings of the Convention which the *Enquirer* is trying to abuse, with its *low-flung* cuts.

☞ See the Dental Notice of Dr. Padgett in another column. He understands his business.

OUR RALEIGH CORRESPONDENT.

DEAR STAR:—The Fourth was celebrated here yesterdry by the Military and the Freedmen. A salute of thirty-six guns were fired by the battery that is here, commanded by Maj. Myrick.—The day passed off quietly; but one fight, and that between a Freedman and a Federal soldier.

Gov Holden is at Washington.

The Secessionists have elected all their candidates in Texas. The Majority Committee have brought in a report to expell Gen. Rosseau, of Ky., for canning Gunnell. It is thought he will be expelled.

War has been commenced in Europe. The Prussians and Italians against Austria. The Prussians have occupied Diesden, the Capitol of Saxony. It is the opinion that a great battle will be fought around that city.

France, England and Russia are lookers on. They will ship in and divide the spoils, when the fighting powers are weak enough to justify the attempt. The Atlantic Cable is again finished, the great Eastern is to leave the 30th of this month to commence laying the Cable.

LAOGN.

Raleigh, July 5th, 1866.

DEAR STAR:—Verily treason is to be made respectable by Gov. Worth and his party. Only a few days ago C. R. Thomas, President of the A. & N. C. Railroad was turned out of office and John D. Whitford put in his place, a man of the very worst secession proclivities. On the 5th, Mr. Lassiter, the able and efficient President of the R. & G. Railroad, shared the same fate, and Dr. W. J. Hawkins, put in his place, another wool-dyed secessionist. All the loyal Presidents of the Railroads will be turned out of office, and men put in their places, who are objectionable to all loyal men. Why does Gov. Worth do this way? Why did he consent to allow the secessionists to make a tool of him against Gov. Holden? In the first place, for the sake of *office*, he BETRAYED his benefactor and the Union party of the State, to which, he professes to belong into the hands of the secessionists of the State. He allowed himself to be made a tool of, because he knew that as Jonathan Worth of old, he *never* would be Governor of this State, and to be Governor, he allowed the very men that hated him as a Union man during the war and hate and loathe him now, if they could not make use of him to carry out their base and treasonable designs. Secondly, he knew if Gen. Ransom is a candidate, he will be beaten and that badly, and he is doing all that he can possibly do to satisfy the secessionists and thereby stave off opposition on the part of the "originals" of the State.

For myself, I had rather vote for Gen. Ransom; I had rather vote for a man that is a man than one that has sold and will sell himself and friends, to carry out his own personal ends. Gen. Ransom is an honest man, Jonathan Worth is a betrayer, no party can put any dependence in him, with the expectation that he will remain true. If he has an opportunity to sell out and be the gainer himself,

Gov. Worth knows if he is defeated this summer, he will sink deeper into ignominy and infamy than any man has ever sunk in this State. Hence he is carrying out the programme of the secessionists. He will do anything now that will insure his election; no political demagogue has ever acted as bad as Gov. Worth has done; any man in the State would have done better than Gov. Worth; but he is to be pitied, he would almost give his soul to be Governor again, and he hates to go down to history as the most infamous betrayer of his party that has ever been in this State.—It is the general opinion that Gen. Ransom will be a candidate, I hope he will, I had rather give him my support than *Worth*.

A word to the Union party of the State, Keep up your organization and do all you can to strengthen it; commit yourself to no man; bide your time, for it will surely come; expose Gov. Worth on every occasion, and in the end you will see your party, the true friends of the Union and Liberty, again in power, and treason made odious.

Gov. Holden is still in Washington, he will probably return next week.

The secessionists have triumphed in Texas, all their candidates are elected.

LAOGN.

Raleigh, July 7th, 1866.

The greatest king has never carried anything but a winding sheet out of the world.

A delicious jam—getting half squeezed to death in a crowd of angels in omnibus.

"Keep your dog away from me!" said a dandy to a butcher-boy. "Darn the dog, he's always after puppies," said the boy.

LET US SEE HOW IT IS.

In our last issue we called attention to the fact that the ultra Democratic leaders of the North, with the New York *World* at their head, were opposing the holding of a National Convention, on the ground that such a movement may interfere with old party organizations. The *World* is willing and anxious to save the country, if it can be done by bringing the conservative Republicans and everybody else into its party folds, but if the Democrats are to make concessions or endanger their party life, they prefer to let the country go. The Raleigh *Sentinel* takes precisely the same position. It is in favor of the Philadelphia Convention, it is true and thinks it a very proper movement, if it is merely a temporary thing to thwart the Radicals in the fall elections, but if it is to permanently affect old party organizations, it is opposed to the Convention out and out. What does the *Sentinel* mean by old party organizations? There are but two old party organizations in the country—the Republican and Democratic. Which does the *Sentinel* belong to? It certainly belongs to one, and it is due to the public to know to which, as that paper is supposed to be the exponent of the Governor's political sentiments.

The *Sentinel*, like the *World*, tries to ignore the existence of a National Union party, which, however is a fixed fact, as that paper will be very apt to find out before a hundred years. This party is not yet thoroughly organized it is true, but it will be after the Philadelphia Convention shall have assembled, and will sweep sectional parties and factions, and old political hoselles before it like the rushing of a mighty tornado.

There is no political organization in the South, and we cannot see what object a Southern journal can have in deploring the preservation of "old political organizations." There are two old parties North, but why any Southern paper should want to preserve either, we cannot conceive, for it must be known that the leaders of these two old parties forced the country into the war which has so nearly ruined it, and are still at daggers points. It must be equally plain to all, that unless a third party can be formed of the moderate, sober, conservative men of these two parties North, and of the same class in the South, that the country will still remain divided, and in a ruined condition.—*Newbern Times.*

AN ORDINANCE

In Relatio To The Act of the General Assembly, Enrilled "Revenue"

SECTION 1. *Be it ordained by the delegates of the people of North Carolina, in Convention assembled, and it is hereby ordained by the authority of the same,* That the act of the General Assembly, entitled "Revenue," imposing taxes on purchases, sales and receipts, shall not be construed to extend to those purchases, sales or receipts on which taxes have actually been paid, under the ordinance of the Convention, entitled "An Ordinance to provide Revenue for the year eighteen hundred and sixty five."

SEC. 2. Be it further ordained, That where specific taxes have been imposed for license to use any artices or carry on any business for the year preceedings the first day of July, 1866, one-half thereof shall only be payable in those cases, where taxes were actually paid under said ordinance for the same license.

SEC 3 Be it further ordained, That retailers of spirituous liquors, who paid the tax prescribed in section eleven of said ordinance, shall be entitled to retail for the year for which their licens was granted, without further tax to the State for such retailing.

SEC. 4. Be it further ordained, That the provision of section thirty two of Schedule B, of said act of Assembly, shall only extend to the licens for distilling spirituous liquors from grain.

SEC 5 Be it further ordained, That in all cases where taxes are payable to the sheriff or Collector, without the subject from which they are derived being used, such Sheriff or Collector, for the purpose of ascertaining the amount of such taxes, shall have power, and it shall be his duty to administer an oath to the person liable to pay the same.

SEC 6 Be it further ordained, That this ordinance shall be in force from its ratification.

[Ratified the 12th day of June, A. D 1866.]

EDWIN G. READE, *President.*
JAMES H MOORE, *Secretary.*
R. C. BAGER, *Assistant Secretary.*

Avoid, as you would a pickpocket, the man who says the world owes him a living.

Surely the most painful recollection on earth is that of having had it in our power to do good, and the neglect to do it.

If a man is not tall at twenty, handsome at thirty, wise at forty, and rich at fifty, he never will be tall handsome, wise, nor rich.

ICE AS A MEDICINE.—Quite marvelous result have lately been noted from the use of ice applied to the spinal nerves. Its frequent application in some severe cases of apoplexy has relieved the patient. It is applied to the lumbar plexus of the nerves over the spine, alternated with hot water to the feet. A case of undoubted hydrophobia has been cured by following the treatment. The patient was bound to the bed, face downward, and a thorough wet cupping from the head down the whole length of the spine, followed with ice applications for two or three days uninterruptedly Pulse and breathing became quiet, pain gradually left him, and complete recovery was the result. In the French hostals, the ice treatment in cases of nervous debility, paralysis of the motor nerves, prolapsus uteri, convulsions from teething, and puerperal convulsions, has been successful without a drop of medicine. The great secret of the mode of treatment consists in using the ice long enough to get its tonic effects only, which is a nice point, and requires great care from the medical attendant, as short application of ice are powerfully neurotonic, while its too lengthy application debilitates the patient.—[*Nation*.

Judging Character by the Color of a Petticoa.—The following is from the pen of a man who "loved not wisely, but too well," and got married: "The way to judge of a woman's character at first sight is to ascertain the color of her petticoat. A black petticoat indicates low spirits, a hatred of washtubs and activity, and a taste for dyspeptic literature and quietude. A lady who wears a black petticoat could no more read and understand this paragraph than she could suck up the Atlantic with a three cent syringe. A white petticoat shows a character just the opposite—an unsullied mind and taste for romance. A woman who takes naturally to white petticoats, and never wears any other, is an institution to which young gentlemen of connubial proclivities should lose no time in paying due attention. The red petticoat, however, is something of which mankind should beware; is the insignia of Xantippes—a style of females who cut their toe-nails with their husbands' razors."

Cow Eating.—A worthy old farmer residing in the vicinity of Lake Mahopeck, was worried to death last summer by boarders. They found fault with his table and said he had nothing to eat.

"Durn it," sain old Isaac, one day, "what a fuss you're making. I can eat anything."

"Can you eat a crow?" said one of the boarders.

"Yes, I ken eat a crow."

"Bet you a hat," said the guest.

The bet was made, the crow caught and nicely roasted, but, before serving up, they contrived to season it with a good dose of Scotch snuff. Isaac sat down to the crow. He took a good bite, and began to chew away.

"Yes I ken eat crow! (another bite, and an awful face,) *I ken eat crow; but I'll be darned if I hanker arter it!*"

SALT YOUR CHIMNEYS.—In building a chimney, put a quantity of salt into the mortar with which the intercourses of brick are to be laid. The effect will be that there will never be any accumulation of soot in that chimney. The philosophy is thus stated, The salt in the portion of mortar which is exposed absorbs moisture from the atmosphere every damp day. The soot thus becoming damp, falls down into the fireplace, this appears to be an English discovery. It is used with success in Canada.

MATERIALS FOR WASHING.—We give, as concisely as possible, the directions for manufacturing these at home, beginning with the ash-hopper. These are made in various ways. A strong hogshead that will not leak makes the best Set up around it, on the inside, some blocks about eighteen inches high. On these lay some strips of plank with interstices of an inch. On these lay a thick filter of straw. Then proceed to pack the hogshead full of strong ashes, sprinkling and ramming them as you go. Fill within six inches of the top of the barrel of ashes. There should be a faucet near the bottom of the hogshead, and the hopper should be set on blocks.

THE BEET SUGAR OF GERMANY.—A traveller communicates to the Nation an interesting account of the great sugar-beet plantations with which portions of Germany abound. The fields in which the root is planted are of considerable extent, embracing often an area of from two to three hundred acres. They are drilled in two rows about fifteen inches apart, and the tillage is performed exclusively with the hoe. The laborers are men and women—chiefly the latter—who are in gangs of from fifteen to eighty supervised by an overseer, who closely scrutinizes their work, and maintains a rigid discipline. The clothing of the laborers is of the simplest kind. Their wages are, for men, sixteen to nineteen cents a day; for women, from thirteen to fifteen. The hours allotted to work are fourteen, commencing at five and ending at seven o'clock. Numerous and large manufactories for making beet sugar are established at Stassfort, a thriving city of fifteen thousand inhabitants. One of them employs a thousand operators, another six hundred, and several others four and five hundred each. The beets are brought from the fields, and elevated to the upper story of the building, where they are cleansed, crushed, flattered, &c., the juice descending from story to story, through curious processes, until it reaches the last one, in the shape of beautiful sugar hats, or cones, of about two and a-half feet in length, of the best quality of white sugar The juice of the beet is red, a shade lighter, perhaps, than claret wine, but when boiled down, without purification, the sugar is only slightly tinged. This is called "red sugar," and is converted into white by Use of blood. It is cast into earthen moulds of the size of the "hat" above mentioned, in which it is dried eight days and then taken out and polished for market. If one of those clear solid cones is turned on the edge and struck with a key it will ring like the purest steel. The price of this sugar at the factory is ten cents a pound and is pronounced not at all inferior to the best Louisiana article. One establishment, employing six hundred laborers, turns out six million pounds a year. The beets cost ten cents per hundred pounds, taken from the fields.

Delicate Cake.—Half cup of butter, two cups of sugar, three and a-half of flour one cup of milk, and the whites of four eggs, one teaspoonful of cream tartar, half teaspoonful of soda. Flavor with bitter almond.

RUTHERFORDTON MARKETS.

CORRECTED WEEKLY BY L. P. ERVIN

Bacon, per lb.	18 a 20 cts.
Butter, " "	20 "
Beeswax, "	25 "
Cotton, " "	20 "
Chickens each	10 a 15 "
eggs, per doz.	10 "
Flour, per lb,	8 a 10 "
Feathers, per lb.	40 "
Peas, per bu.	1 50 "
Rye, " "	1 50
Wheat, "	2 00
Tallow, per lb.	12

RALEIGH MONEY MARKET.

NORTH CAROLINA BANK NOTES

Bank of Cape Fear,	25
" Charlotte,	14
" Commerce,	10
" Clarendon,	4
" Fayetteville,	7
" Lexington,	10
" Graham,	15
" North Carolina,	31
" Roxboro,	25
" Thomasville,	25
" Wadesboro,	12
" Wilmington,	11
" Washington,	4
" Yanceyville,	5
Commercial Bank of Wilmington,	12
Farmers' Bank of Greensboro,	15
Greensboro Mutual,	3
Merchants' Bank of Newbern,	30
Miners' and Planters' Bank,	15

DENTAL NOTICE.

DR. B. H. PADGETT,

HAS made arrangements by which he expects to be in Rutherfordton on public days—especially Court weeks. Persons in the country desiring his services will please meet him there, as it will be to their comfort as well as his convenience Terms cash.

Office in Mr. Burnett's Hotel.

July, 18th. no12-3m*

AGENTS WANTED FOR THE LIFE AND CAMPAIGNS OF GEN. (STONEWALL) JACKSON.

By Prof. R. L. Dabney, D. D., of Va.

THE Standard Biography of the Immortal Hero The only edition authorized by his widow. The author of a personal friend and *Chief* of Staff of the Christian Soldier. We want an agent in every county. Send for circulars and see our terms. Address

NATIONAL PUBLISHING CO.
214 Seventh st., Richmond, Va.

State of North Carolina.
RUTHERFORD COUNTY.
Equity Court, Spring Term, 1866.

John O. Waters, *et al.* vs Sarah B. McIntire, *et al* } To sell Land.

NOTICE is hereby given to Sarah B. McIntire, Adaline, George, James, Julius, Thomas, John and Andrew Proctor who are non-residents of the State of North Carolina that they personally be and appear at the Court House in Rutherfordton, on the 3nd Monday in September next, then and there to plead, answer or demur to Plaintiff's petition, or in case of failure the same will be set for hearing *ex parte* as to them the said Defendants and heard accordingly.

Witness, L. B Bryan, Clerk of court of Equity for Rutherford County, N. C., at Office in Rutherfordton the 3nd Monday in March, A. D., 1866,

L. B. BRYAN, C. & M. E.

Rutherfordton 17th July, 1866.

A LIST OF LETTERS

REMAINING in the Post Office at Rutherfordton, on 4th July, 1866.

Antonio, Mrs. M. L.	King, Miss Mollie
Allen, E. P.	Keeter, Mary Louise
Abrams, Watson	Lackey, John
Andrews, James M.	Lewis, Mrs. Puss
Bates, Wade	Lewis M.
Bennet, John N.	Long, John
Burge Mrs. Nancy	McKinney, Jason
Baber, B. A.	Mooney Jonathan 2
Crow, K. J. M.	McDaniel, D. D.
Daniel, Samuel	Mosely, David Jr.
Davenport, William	Marlow, James
Dobbins, W. B.	Miller, Miss Bettie
Edgerton, John	Nixon, Miss Mary E.
Fortune, J. G.	Parker, Squire 2
Flinn, Miss M. N.	Robins, John
Goode, W. or George Edwards	Stafford, R. E.
Goode J. A. 2	Vickers, J. W.
Green, Peter	Walker, W. E.
Hays, Toliver	Walton, Frank
Haynes, John	Waters, J. A.
Harris, Seward	Weeks, Mrs. A. R.
Hamilton, James	Weeks, Mrs. Emma
Hardin, John E.	Weeks, Elizabeth
Hardin, W. J.	White, Mrs. Sarah E
Hays, Mrs. Roth	Whitesides, J. M.
Higgins, Mrs. I. S.	Wilson, Mrs. Martha J

Persons calling for any of the above named Letters will please say they were advertised

M. J. CARPENTER, P. M.

FIRM DISSOLVED.

THE Copartnership heretofore existing between Harris & Smith is dissolved by mutual consent. All Notes and Accounts are with Dr. J. W. Harris, early settlement is expected.

JOHN W. HARRIS, M. D.
THOS. C. SMITH, M. D.

ALL Persons indebted to me are requested to call and settle by Note or otherwise.

J. W. HARRIS M. D.

July 3, 1866, 3m.

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[AT CARSON'S OLD STAND]

JUST opened and receiving a supply of Family Groceries and Confectioneries, consisting in part of Corn, Bacon, Sugar, Coffee, Tobacco, Candies, Nuts, Cigars, &c. Also a lot of Tin ware, Domestic, and Cotton Yarn, which we will sell for Cash on reasonable terms.

Call and examine our prices, and we will try to accommodate all,

J JONES

Rutherfordton, June 27th, 1866. no9-t

FEMALE COLLEGE,
SPARTANBURG, S. C.

A. W. CUMMINGS D. D., PRESIDENT.

THE Fall term, of Five Months, will open the 18th of July. Students may enter at any time.

BOARD and TUITION for the term $100 in Currency, or Provisions at highest market prices.

For further information address the President, Spartanburg, S. C.

June 27th, 1866.—3t.

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It requires Fifty per Cent, less power to drive it than any other machine in the market. A girl ten years of age can work it steadily, without fatigue or injury to health.

Its Strength and wonderful simplicity of construction renders it almost impossible to get out of order, and is guaranteed by the company to give entire satisfaction.

We respectfully invite all those who may desire to supply themselves with a superior article, to come and examine this unrivalled machine,

One half hour's instruction is sufficient to enable any person to work this machine to their entire satisfaction.

Agents wanted for all towns in the United States, where agencies are not already established, Also for Cuba, Mexico, Central and South America, to whom a liberal discount will be given.

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Samples and Prices on Application

Lots made to Order, of any pattern or stamp required.

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R. ESTERBROOK & CO.

May 30, 1866. 6m.

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"It possesses much excellence. The publishers deserve great praise for the manner in which they have sent the book from the press."

LEE'S LAST CAMPAIGN—By Capt. J. C. G., 32mo, paper. Price 25c. A historical narrative of the final and thrilling events of the war in Virginia, commencing with the battles around Petersburg and following the movements of both armies until Lee's surrender at Appamattox Court House; containing the official correspondence concerning the surrender and the interview between Gen. Lee and Gen. Grant, etc.

THE NORTH CAROLINA GOLD CIRCULAR—32mo. paper. Price 10c Of importance to many—of interest to all. Contains rate of depreciation of Confederate Currency during the war, compared with Gold; New Usury Law of North Carolina; fluctuations of Greenbacks in New York to December, 1865; a list of all the Newspapers published in North Carolina] April 1, 1866, &c., &c., &c.

THE DESERTER'S DAUGHTER—By W. D. Herrington, 16mo. paper.—Price 10c A story of the war in N. Carolina. [Confederate print—issued during the war.]

CASTINE—By Edward Edgefield. 16 mo. paper. Price 10c. A novelette of charming interest. Scene commenced in Tennessee before the rebellion, and closed in Virginia during the war.—[Confederate print—issued during the war.]

☞ Sent, post paid, upon receipt of price.

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Catalogues sent on application.

NORTH CAROLINA
Business Directory.

WE call attention of Merchants and other business men in the State to our Directory, As soon as we can collect

5000 Names

of the most active business men of the State, we shall publish them together in a book for general reference and which will greatly

FACILITATE BUSINESS,

It will cost a great deal of time and labor to get up the names and get the book on sale. To aid in doing this, we desire to circulate

THE ENTERPRISE,

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L. BRANSON, EDITOR.
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STAY LAW.

An ordinance to change the Jurisdiction of the Courts, and the rules of pleading therein.

SECTION 1. *Be it ordained by the people of North Carolina, in Convention assembled, and it is hereby ordained by authority of the same,* that the jurisdiction of the several Courts of the State, and of Justices of the Peace, except as provided in this ordiance, shall be as in the year 1860.

SEC 2. Be it further ordained, that the several superior courts of law, at the spring terms thereof only, unless otherwise herein provided, shall have exclusive original jurisdiction to hear, try and determine all actions of debt, covenant, assumpsit or account, where the sum, due or owing, amounts (principal and interest) to sixty dollars or more.

SEC 3. Be it further ordained, that all writs in debt, covenant, assumpsit or account shall be returnable to spring term and be served at least thirty days [Sundays included] before the return day. Within the first three days of the return term, should the defendant pay to the plaintiff, or into court to his use, one-tenth of the debt or demand (principal and interest) and all costs to that time, he shall be allowed until next spring term to plead. At the said spring term, should the defendant pay to the plaintiff, or into court to his use, one fifth of the residue of the debt or demand and cost, he shall be allowed until the succeeding spring term, to plead. At the said spring term, should the defendant pay to the plaintiff, or into court to his use, one-half of the residue of the debt or demand, he shall be allowed until the succeeding spring term to plead. At the sad spring term the plaintiff shall have judgment for the residue of his debt or demand: *Provided, however,* that the plaintiff, if required, shall file his debt or demand in writing, and if the defendant shall make oath that the whole or any part thereof is not justly due, or that he has a counter claim,, all of which shall be particularly set forth by affidavit, then the defendant shall only pay the instalment required, of what he admits to be due, and the court shall order a jury, at the same or some subsequent term, to try the matters in dispute between the parties, and at the next springs term the defendant shall be allowed time to plead only upon payment of one-fifth of the residue of the admitted amount, and whatever the jury may find him indebted over and above the same: *Provided, further,* that should the defendant fail to pay the first or any subsequent instalment, then and in that case the plaintiff shall be entitled to proceed to judgment and execution according to the course of the court in 1860

SEC. 4. Be it further ordained, that all suits in actions of debt, covenant, assumpsit or account issued to fall term of the superior courts, shall be returned by the sheriffs to spring term, 1867, and all actions of debt, covenant, assumpsit or account, now pending in the superior court, shall be continued to spring term, and if the defendant has entered his pless, he shall be allowed to withdraw the same, and take the benefits of section 3 of this ordinance.

SEC. 5. Be it further ordained, that dormant judgments shall only be revived by actions of debt, and every scire facias to revive a judgment shall be dismissed on motion: *Provided,* that those now issued shall be dismissed at the cost of the debtor.

SEC. 6. Be it further ordained, that the clerks of the several county courts shall transfer all actions of debt, covenant, assumpsit or account, now pending in their respective courts, to the spring term, 1867, of the superior courts, and the said spring term shall be deemed the return term thereof and the said actions shall stand as if originally instituted in that court.

SEC. 7. Be it further ordained, that the clerks of the several county courts, if requested so to do by the plaintiffs, sixty days before the spring terms, 1867, of the superior courts, shall transmit to said spring terms certified copies of the judgments in actions of debt, covenants, assumpsit or account entered on the dockets of their courts, together with the writs of fieri facias or venditioni exponsa issued thereon, and shall issue notices thereof to the defendants which notices shall be served at least thirty days before said superior courts. At the spring terms aforesaid, the courts shall on motion order the said judgments to be entered on the minute dockets, provided the same were not dormant when transmitted from the county courts and on such entries being made, the said judgments shall be taken and held to be judgments of the superior courts and writs of fieri facias venditioni exponas may issue, as provided in section 10 of this ordinance, following the writs transmitted from the county courts and preserving the liens, as if issued by the same court.

SEC. 8. Be it further ordained, that the sheriff in each county shall return all writs of fieri facias and venditioni exponas issued from the county court on judgments in actions of debt, covenant assumpsit or account to the next terms of said court, without sale, and shall return all writs of fi fa or venditioni exponas issued on similar judgments from the superior court or decrees of the court of Equity on money demand to spring term, 1867, without sale.

SEC. 9. Be it further ordained, that no writs of fi fa or venditioni exponas on judgments in actions of debt, covenants, assumpsit or account shall hereafter issue from the county courts, nor shall said writs on such judgments issue from or to the Fall terms of the superior courts, except in cases where defendant fails to comply with the provisions of this ordinance, and is directed that plaintiff may proceed according to the regular course of the court.

SEC. 10. Be it further ordained, that no writs of fi fa or venditioni exponas on judgments in actions of debt, covenant, assumpsit or account, or decrees for money demands in Equity shall issue from spring term, 1867, without permission of court, and should the defendant within the first three days pay one-tenth of the judgment or decree and costs, then the writ shall be credited one-tenth, issued and imediately returned "Indulged:" *Provided,* No plaintiff shall be allowed to take the said one-tenth without first entering his assent to said return: *And provided further,* that such assent and return shall not prejudice any lien the plaintiff may then have by virture of said fi fa or venditioni exponas: *Provided further,* that at spring term, 1868, the defendant upon paying one-fifth the residue of the judgment or decree and costs shall have indulgence in like manner.

SEC. 11. Be it further ordained, that upon all warrants before Justices of the Peace for a demand (principal and interest) of $25 or less, should the defendant pay one-fifth to the plaintiff or to the collecting officer for his use, he shall be allowed six months to plead, and at the expiration of said six months, should he pay as aforesaid one half of the residue, he shall be allowed six months more to plead, and at the expiration of said six months plaintiff shall have judgment and execution for the residue. Upon demands (principal and interest) of less than $60 and more than $25, the defendant shall be allowed twelve months instead of six, on each payment: *Provided,* that the plaintiff shall file his claim in writing, and if the defendant, on oath, shall deny the same, or present a counter claim, the Justice shall proceed to try the same. Upon judgment, the defendant shall be allowed a stay of execution for six or twelve months, as the case may be upon paying one fifth, and afterwards one-half as before judgment: *Provided,* that all Justices' judgments for $60 or more, not dormant, shall be transmitted, together with the warrant or other papers, by the Justice to spring term, 1867, of the superior court, and notice thereof shall be given the defendant at least twenty days before court; and in the superior court the same proceedings shall be had as on judgments from the county court, according to section 7 of this ordinance.

SEC. 12. Be it further ordained, that all writs of *scire facias* to subject bail, issued from the superior or county courts upon judgments in actions of debt, covenant, assumpsit or account, shall be returned to spring term, 1867 of the superior courts, and should the tenth, fifth and half of the Judgments be paid from spring term to spring term, time to plead shall be allowed, according to section 3 of this ordinance.

SEC. 13. Be it further ordained, that this ordinance shall not apply to judgments for cost only.

SEC. 14. Be it further ordained, that this ordinance shall not apply to the remedies for the collection of town, county or state Revenue.

SEC. 15. Be it further ordained, that this ordinance shall not apply to proceedings by attachment, unless the defendant replevy and give bail, and then and in that case the proceedings shall be subject to the provisions of this ordinance as if commenced by writ or warrant.

SEC. 16 Be it further ordained, that where the action is by or on behalf of infants, still minors at the return term, and the interest exceeds one-tenth, the first payment shall be increased to the amount of interest due, not to exceed one-fifth of the whole debt.

SEC. 17. Be it further ordained, that the provisions of this ordinance shall not be construed to extend to any debts or demands contracted, or penalties incurred, since the first day of May, A. D., 1865, or which may hereafter be contracted, or incurred, but that the remedies for the recovery of the same shall be in all respects similar to the remedies for the recovery of debts which were in force in the year 1860.

SEC. 18. Be it further ordained, that any creditor, attempted to be defrauded as set forth in sec. 1, chapter 50, Revised Code may without obtaining judgment at law, file his bill in Equity, and said court is hereby authorized and empowered to direct proper issues to be made up and tried, and to make such orders and decrees as to right and justice may appertain; and said proceedings shall not affect the creditor's right to proceed at the same time at law; and any surety, before paying the debt of his principal thus attempting to defraud his creditors, may institute proceedings in equity, in like manner, to the end that he may obtain relief.

SEC. 19. Be it further ordained, that every executor or administrator shall file, on oath, at the termination of two years from the time of his qualification, a full statement of his receipts and disbursements, and the conditon of the assets, particularly setting out all money collected and now disbursed and on motion the court may allow further time to settle the estate, from year to year, not exceeding three years: *Provided,* that on each motion to extend the time a supplemental statement shall be filed: *Provided,* that any creditor or next of kin may oppose said motion, and if the statement is not full and fair, file interrogatories which the executors or administrators shall answer, before his motion for time is allowed: *Provided further,* that the court may also extend the time for pleading: *Provided further,* that all executors or administrators, who have heretofore qualified, shall be allowed until the county court next after the first of January, 1867, to file their statement.

SEC. 20. Be it further ordained, that all acts, and parts of acts, suspending, the operation of the statutes of limitation in the Revised Code, are hereby repealed, except as herein provided: Prvided, that the time elapsed since the first day of September, 1861, barring actions or abandonment of rights shall not be counted: And provided further, that nothing contained in the ordinance, or in the acts here by repealed, shall be so construed as to prevent judgments from becoming dormant.

SEC. 21. Be it further ordained, that any sheriff, clerk, or other officer, failing to execute any of the provisions of this ordinance, when the execution thereof devolves on him, or issuing receiving, or executing any process whatever contrary to the provision of this ordinance, shall be subject to a penalty of five hundred dollars, to be recovered by rule of court, as penalties and fines were recovered in 1860.

SEC. 22. Be it further ordained, that in all actions brought by any bank or other corporation having exercised banking privileges or by any assignee or endorsee, or officer of said bank or corporation, it shall be lawful for the defendant to set off by plea or on trial any note or certificate of deposit issued by said bank or its branches, or other corporations, whether the same has been presented for payment or not, any law or usage to the contrary notwithstanding, but said plea of set off, or set off on trial, shal not avail to carry costs against the plaintiff, unless there has been a tender of such payment before suit brought: Provided, that should the defendant require the debt to be scaled according to the scale of depreciatien of Confederate currency, then and in that case the said notes or certificates of deposit shall not be a set off in any manner.

SEC. 23. Be it further ordained, that "An act to change the jurisdiction of the courts and the rules of pleading," ratified the 11th day of September, 1861; an act entitled "An act to restore the courts and for other purposes," ratified the 14th December, 1863; also an act entitled "An act to change the jurisdiction of the courts and the rules of pleading therein," ratified the 10th of March, A. D., 1866 and all laws in conflict with this ordinance, be and the same are hereby repealed.

SEC. 24. Be it further ordained, that the General Assembly shall have no power to repeal alter or modify this ordinance until the third Monday of November, 1868, and this ordinance shall take effect and be in force from and after its ratification.

Adopted by the convention, June 21, 1866.

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